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Date: November 22, 2006

By: Lynnea B. Kennelly
Lynnea B. Kennelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: Lau *et al.*

SERIAL NO.: 09/772,109

FILED: January 26, 2001

FOR: HIGH LEVEL CYTOKINE PRODUCTION WITH
ENHANCED CELL VIABILITY

EXAMINER: WINKLER, U.

Art Unit No.: 1648

Confirmation No.: 8965

Commissioner for Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))
REQUEST FOR PERMISSION TO WITHDRAW**

1. I, a patent attorney/agent signing below, respectfully request permission to withdraw from all further responsibility in the above-referenced patent application case, in accordance with 37 C.F.R. § 1.36.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
☒ assignee of the entire interest is

CytoPharm, Inc.
6F, #6, Sec. 1, Jung-Shing Road
Wugu Shiang, Taipei 248
TAIWAN, ROC

Attn: Chung-Hsun Yu, Project Manager

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c).

Explanation (including brief description of exhibits, if any):

We are withdrawing due to the amount of time we are spending in communications on each matter, and the difficulty we are experiencing in receiving instructions and advance payments in a timely manner.

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due (if any)

- (i) ☒ There is no outstanding term for response.
- (ii) ☐ There is an outstanding term for response to a * dated *. The term is extendible under 37 C.F.R. § 1.136(a), until *.
- (iii) ☐ Also submitted herewith, is a response to the outstanding Office action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is: ☐ at least two months; ☒ cannot be calculated because this case is awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the email of acknowledgement to the client is enclosed.

Note: A practitioner shall not withdraw from employment without giving due notice to his or her client, 37 C.F.R. § 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

Note: To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies.) Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related application of the:

- ☐ inventor(s):
- ☒ assignee:
- ☐ common representative:

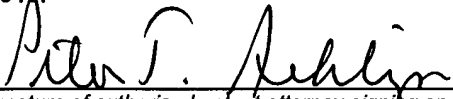
Application Number:

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))

Note: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed., rev. 3.

8. Signature(s) of the agent/attorney(s) withdrawing (or signature of an authorized agent/attorney on behalf of the agent/attorney(s) withdrawing)

Brian S. Boyer, Registration No. 52,643 and all attorneys/agents associated with Customer No. 22918.

Signed:  Date: Nov 22, 2006
Signature of authorized patent attorney signing on behalf of attorneys withdrawing
Peter J. Dehlinger, Registration No. 28,006

Correspondence Address:

Customer No. 22918

Phone: 650 838-4300

Kennelly, Lynnea (Perkins Coie)

From: Dehlinger, Peter (Perkins Coie)
Sent: Wednesday, November 08, 2006 11:46 AM
To: 'chunghsun.yu@cyto-pharm.com'
Cc: Boyer, Brian (Perkins Coie); Thompson, Erika Y. (Perkins Coie)
Subject: RE: ACCOMPANY PAYMENT WITH INSTRUCTIONS FW: FINAL
REMINDER RE: URGENT-NEED INSTRUCTIONS RE:
54099.8002.CN01 FW: URGENT RE: URGENT REMINDER RE:
URGENT Need instructions RE: URGENT Need Disbursement -- Our
54099.8002.CN01; CN Appl No. 01817924

Dear Neo, this email is to advise you that Perkins Coie can no longer represent GeneTrol in patent matters, given the amount of time we are spending in email communications on each matter, and the difficulty we are experiencing in receiving instructions and advance payments in a timely manner. With respect to the Chinese application, we will advise the associate to do take whatever steps are necessary to keep the case alive. Beyond that, we would like GeneTrol to find new patent counsel as quickly as possible so that your other patent matters are not placed in jeopardy. Unless we hear from you by the November 15, we will request all correspondence from the USPTO and all foreign associates to be sent directly to you.

Concerning your assertion that GeneTrol continues to spend money without getting allowed claims, and as has been discussed in earlier emails from me, many of the early GeneTrol cases were filed without supporting data as to levels of cytokine production, the nature of the claimed cytokine compositions, and/or efficacy of cytokine mixtures, and the company was advised at the time of these filings that the cases would ultimately need supporting data in order to overcome obviousness and/or enablement rejections that were likely to be encountered during prosecution. That data was never forthcoming so we continue to prosecute the cases, but without the kind of data that would make the arguments for patentability compelling. I look forward to your receiving your instructions.. -Peter Dehlinger